

BOROUGH OF WESTWOOD

ORDINANCE 07-19

AN ORDINANCE OF THE BOROUGH OF WESTWOOD TO AMEND ORDINANCE #07-06 ENTITLED: "AN ORDINANCE TO AMEND SECTIONS 65C-117J AND 65C-124D OF THE LAND USE AND DEVELOPMENT REGULATIONS FROM THE CODE OF THE BOROUGH OF WESTWOOD PERTAINING TO REGULATIONS CONCERNING THE PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES".

WHEREAS, the parking regulations for commercial vehicles in residential zones is insufficient to effectively regulate commercial vehicles through limiting the number, size and ownership of the vehicle.

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood, in the County of Bergen and State of New Jersey that Section 65C-124D.4.j.1. and 4 entitled "Commercial vehicles within residential zones" and Section 65C-117J.1 and 6 are hereby amended and supplemented in the following particulars only:

Section 1. Amend Section 65C-42 to include the following definition:

COMMERCIAL VEHICLE -- Any vehicle used for commercial purposes, whether commercially or non-commercially registered, such as a truck, van, limousine, car or bus. Commercial vehicles shall include any vehicle bearing advertisements or printed commercially related matter thereon.

Section 1. Amend Section 65C-124D.4.j.1 to read as follows:

Limitation as to use. Off street parking areas shall be used solely for the parking of passenger automobiles and commercial vehicles in accordance with, and conforming to, the limitations contained in §65C-124D.4.j.4 below and no commercial repair work or service of any kind upon a commercial vehicle, beyond a diminutive nature such as a tire change, shall be conducted within the parking location or elsewhere on the lot.

Section 2. Amend Section 65C-124 D.4.j.4 to read as follows:

Commercial vehicles permitted. One commercial vehicle conforming to this Ordinance and all other applicable regulations and for which a permit has been issued may be parked in a residential zone. The commercial vehicle permitted herein shall have a maximum width of eight (8) feet by a maximum length of twenty-two (22) feet and a maximum height of eight (8) feet

(excluding racks) with not more than two (2) axles, such as a van or truck with covered bed, no open pick-up beds containing equipment, cargo or the residue there of shall be permitted.

Such commercial vehicle shall exhibit a municipal permit decal and must be parked on a lawfully established driveway. Permits shall be issued annually by the Borough Clerk pursuant to forms and procedures adopted from time to time by resolution.

No vehicle may be parked which encroaches over the sidewalk or roadway. If a garage parking space is used to fulfill parking requirements, said space must be available and useable for parking.

Commercial vehicles parked on a driveway in a residential zone must be principally used by the owner or occupant of the residential property on which the commercial vehicle is parked.

Section 3. Amend Section 65C-117 J.1 to read as follows:

The use is limited to office use only, provided that this provision is only intended for such incidental activities as a virtual office. Any observable business activity, except for the parking of permitted commercial vehicles as permitted pursuant to §65C-124.D.4.j.4, is unlawful under this section.

Section 4. Amend Section 65C-117 J.6 to read as follows:

There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use including, but not limited to, parking, storage, signs or lights. This paragraph is not intended to prohibit the parking of commercial vehicles in residential zones consistent with the limitations contained in §65C-124.D.4.j.4.

Section 5. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 6. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 7. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 8. This ordinance shall take effect forty (40) days after final passage and publication as prescribed by law.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Approved:

Attest:

Eileen Sarubbi
Eileen Sarubbi, Borough Clerk

Thomas D. Wanner
Thomas Wanner, Mayor